

ZB# 96-37

Chris Eachus

13-15-2

#96-37-Eachus, Chris

(13-15-2). (area).

Relem.

~~1/12 notice to search~~
July 8, 1996.

(App. furnished) June 4
6/27/96

Photos - here -
Title Report

Public Hearings:
August 8, 1996

Dev. Coverage
Variance
Granted

13-15-2
Refund: 194.00

Decision Done

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12553

General Receipt

15638

July 9 1996

Received from Christopher & Kimberly Eachus \$ 50.00

Fifty 00/100 DOLLARS

For 2 BA # 96-37

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>Chk # 11647</u>		<u>50.00</u>

By

Dorothy H. Hansen

Town Clerk

TITLE

WILLIAMSON LAW BOOK CO., VICTOR, NY 14564

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Cachus, Christopher

FILE # 96-37

RESIDENTIAL: \$ 50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒

USE ☐

APPLICATION FOR VARIANCE FEE \$ 50.00

* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE . 7/8/96 - 4 pages \$ 18.00
2ND PRELIM. MEETING - PER PAGE . 8/12/96 4 pages \$ 18.00
3RD PRELIM. MEETING - PER PAGE \$
PUBLIC HEARING - PER PAGE \$
PUBLIC HEARING (CONT'D) PER PAGE \$

TOTAL \$ 36.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: . 7/8/96 \$ 95.00
2ND PRELIM. 8/12/96 \$ 35.00
3RD PRELIM. \$
PUBLIC HEARING \$
PUBLIC HEARING \$

TOTAL \$ 70.00

MISC. CHARGES:

TOTAL \$ 106.00

LESS ESCROW DEPOSIT . . . \$ 300.00
(ADDL. CHARGES DUE) . . . \$
REFUND DUE TO APPLICANT . . \$ 194.00

(ZBA DISK#7-012192.FEE)


paid
CK #1647
7/9/96
pd. CK #1648
7/9/96

Date 8/28 1996.

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Christopher Eachus DR.
110 Clancy Avenue
New Windsor, N.Y. 12553

DATE	CLAIMED	ALLOWED
8/28/96	Escrow Refund - ZBA #96-37	194.00
<p>Approved:  ZBA.</p>		

In the Matter of the Application of

CHRISTOPHER EACHUS

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#96-37.

WHEREAS, CHRISTOPHER EACHUS, 110 Clancy Avenue, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a variance for 55% developmental coverage to construct a pool at 110 Clancy Avenue in an R-4 zone; and

WHEREAS, a public hearing was held on the 12th day of August, 1996 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared before the Board for this proposal; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or opposed to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The subject property is a one-family home located in located in a neighborhood of one-family homes.

(b) This home is located in the oldest part of the town where the lots were and are small.

(c) There are many homes in the area with pools similar to the one proposed to be constructed by this Applicant.

(d) The existing fence around the property would meet all the safety requirements.

- (e) The Applicant will not be removing any trees or shrubs to construct the pool.
- (f) The location of the pool will not interfere with the drainage of storm water or create any kind of standing water or ponding.
- (g) It is not feasible for the Applicant to acquire additional property.
- (h) The proposed construction of the pool will not affect either sewer lines or any sewage disposal system.
- (I) The pool proposed to be constructed is an average size pool.
- (j) The proposed pool would meet all of the setback and other requirements other than the lot area coverage for which the variance is sought.
- (k) The Applicant commits to construct a pool if the variance is granted and will not use the variance to construct a building or any other kind of structure.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted due to the location of Applicant's residence, the size of the lot and the size of the lots in the neighborhood.
4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but should be allowed for the reasons set forth in the paragraphs above.
6. The benefit to the Applicant, if the requested variance is granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

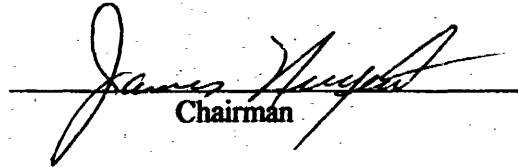
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a variance for 55% developmental coverage to construct a pool at 110 Clancy Avenue in an R-4 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: December 9, 1996.


Chairman

E

CHRISTOPHER W. EACHUS
KIMBERLY SANDERS-EACHUS
110 CLANCY AVE.
NEW WINDSOR, NY 12553
(914)561-8622

1647

75-148/919
838

7/9 1996

Pay To The Order Of Town of New Windsor \$ 5000
Five thousand & 00/100 Dollars

To: HUDSON HERITAGE FEDERAL CREDIT UNION 2219
Newburgh, New York 12550
PAYABLE THROUGH COMMUNITY NATIONAL BANK
NORTHFIELD, MN

For 96-37

Kimberly Sanders-Eachus

⑆091901480⑆9390095770005⑆ 1647

PAPER'S PALETTE™

E

CHRISTOPHER W. EACHUS
KIMBERLY SANDERS-EACHUS
110 CLANCY AVE.
NEW WINDSOR, NY 12553
(914)561-8622

1648

75-148/919
838

7/9 1996

Pay To The Order Of Town of New Windsor \$ 3000
Three thousand & 00/100 Dollars

To: HUDSON HERITAGE FEDERAL CREDIT UNION 2219
Newburgh, New York 12550
PAYABLE THROUGH COMMUNITY NATIONAL BANK
NORTHFIELD, MN

For 96-37

Kimberly Sanders-Eachus

⑆091901480⑆9390095770005⑆ 1648

PAPER'S PALETTE™

DATE		CLAIMED	ALLOWED
8/2/96	Zoning Board Meeting	75.00	
	Misc. 2		
	Erenwein - 3		
	Eachus - 4 18.00		
	Monaco 37	207.00	
	<u>46</u>	<u>282.00</u>	

EACHUS

MR. TORLEY: Let's move on to our public hearings, please. The first public hearing is for Ms. Chris Eachus. Request for a variance for 55 percent developmental coverage to construct pool at 110 Clancy Avenue in an R-4 zone.

MS. EACHUS: I'm requesting a variance to go over our back yard coverage by 22 percent to put in a pool.

MR. TORLEY: Mike, the limit for developmental coverage here is?

MR. BABCOCK: 30 percent.

MR. TORLEY: There are no other variances required for this at this point for the pool?

MR. BABCOCK: No.

MR. KRIEGER: It's an allowed use?

MR. BABCOCK: That's correct.

MR. CANE: Do other homes in your neighborhood have pools in their yards?

MS. EACHUS: Yes.

MR. CANE: Pretty common.

MR. KRIEGER: One family houses all around you?

MS. EACHUS: One business which borders our property line off Clancy Avenue Extension, Marvin Dendeck (phonetic).

MR. KRIEGER: Other than that it's --

MS. EACHUS: It's all residential.

MR. KRIEGER: Is there any kind of a fence around the property now?

MS. EACHUS: Yes, it's a new one.

MR. TORLEY: It meets all the safety requirements.

MR. KRIEGER: That fence wouldn't change?

MS. EACHUS: No.

MR. CANE: You are not going to be removing any types of trees or shrubbage or anything like that to put the pool up?

MS. EACHUS: No.

MR. CANE: What are you going to be removing?

MS. EACHUS: Nothing.

MR. TORLEY: Grass.

MS. EACHUS: Grass.

MR. TORLEY: You will not be changing the drainage pattern or altering the water flow for the neighborhood?

MS. EACHUS: No.

MR. KRIEGER: Any kind of standing water there or any drainage that goes through there when it rains?

MS. EACHUS: No.

MR. CANE: Even though this is a self-created hardship this is really the only remedy that you can find to put the pool on the property?

MS. EACHUS: Yes. We have a real small yard.

MR. TORLEY: Acquiring more property would be financially out of the question?

MS. EACHUS: Yes.

MR. KRIEGER: Okay, is there anything under the sewer line? Is that under the ground there where the pool, near where the pool is going to

be?

MS. EACHUS: No.

MR. REIS: Did we receive any negative feedback as a result of letters?

MS. BARNHART: We haven't received anything. Actually we sent out quite a few, too. We sent out 34 addressed envelopes containing the notice on July the 9th. We haven't received any response good or bad.

MR. CANE: For the public record there is nobody here in the audience.

MR. TORLEY: I will open and close the public hearing. Back to you gentlemen. Any other questions?

MR. KRIEGER: I have one for the building inspector. Have there been any complaints about this property?

MR. BABCOCK: Not to my knowledge, no.

MR. KRIEGER: For the applicant have there been any complaints about the fence or any, the property in any way?

MS. EACHUS: No.

MR. LANGANKE: Is the proposed pool like average size or is it abnormally large?

MS. EACHUS: No, 15 by 24.

MR. LANGANKE: Just an average size pool?

MS. EACHUS: Just an average.

MR. BABCOCK: Herb, just one point you should know, the pool meets the normal setbacks that are required by the town. She's not looking for setback requirements. She's putting it within the area. It's the idea that the lot is only --

MR. LANGANKE: Yes, right.

MR. BABCOCK: The lot is very small. By the time she puts the house and deck, now she wants to put a pool on, she's got too much coverage.

MR. CANE: Our attorney, we covered this in the preliminary, we were going to give the developmental coverage to the pool only and not to the property, so that it would only be for a pool, not for any other building, would that be okay?

MS. EACHUS: That's correct, okay.

MR. KRIEGER: You are willing to abide by that restriction?

MS. EACHUS: Yes.

MR. TORLEY: Any other questions?

MR. LANGANKE: I don't have any.

MR. CANE: None.

MR. TORLEY: Motion?

MR. CANE: Move that we grant Chris Eachus' proposed request for a variance at 110 Clancy Avenue.

MR. REIS: Second.

MR. TORLEY: Roll call, please.

ROLL CALL:

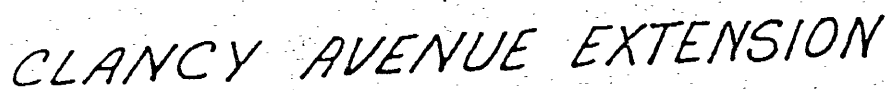
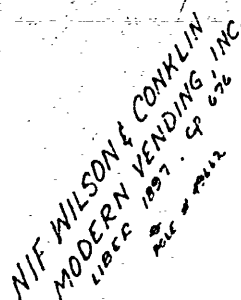
MR. REIS: Aye.

MR. LANGANKE: Aye.

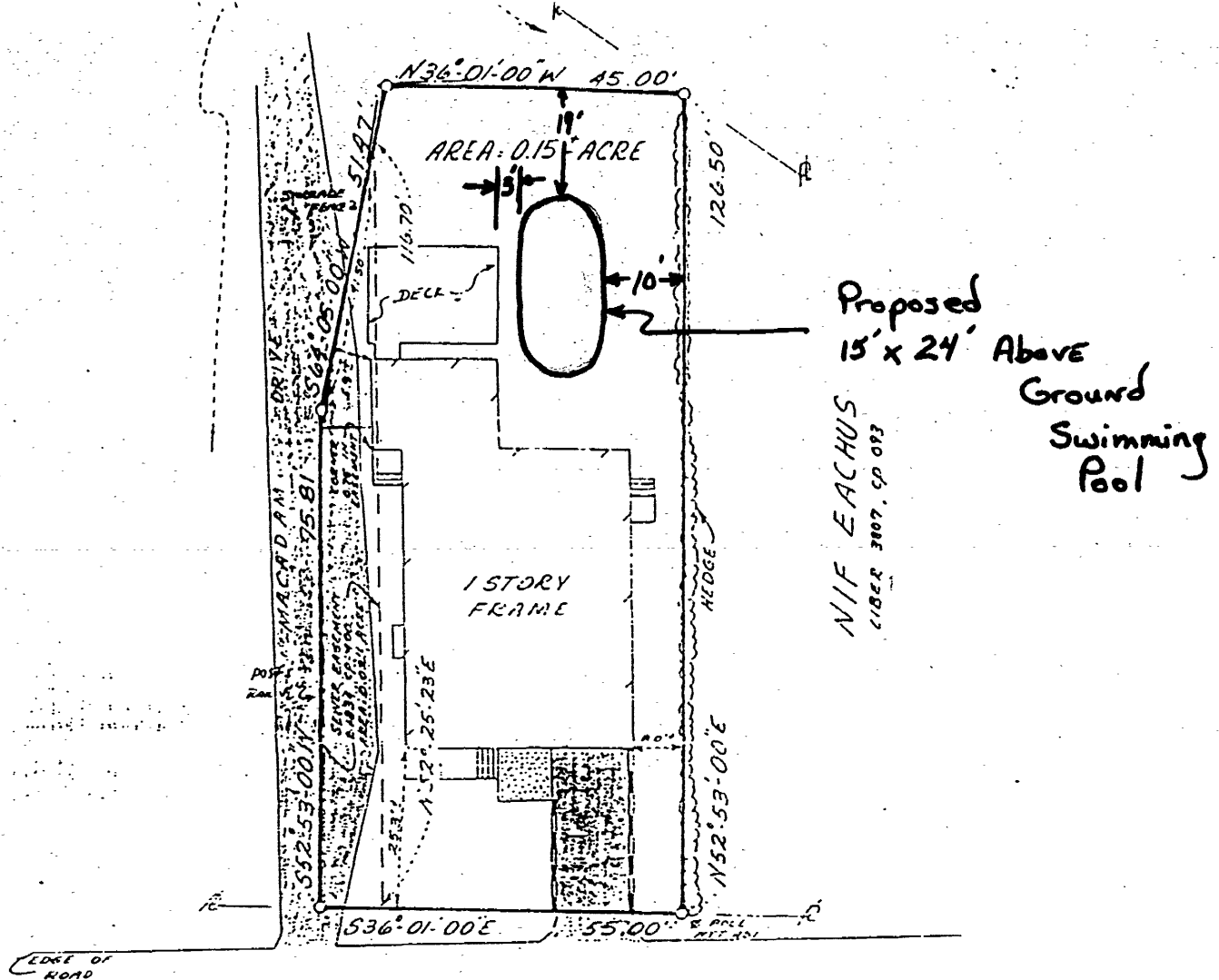
MR. CANE: Aye.

MR. TORLEY: Aye.

MR. TORLEY: Motion carried four ayes.



MAP OF SURVEY



CLANCY AVENUE EXTENSION

MAP OF SURVEY
FOR
KIMBERLY A. & CHRISTOPHER W. EACHUS

TOWN OF NEW WINDSOR
SCALE: 1" = 20'

ORANGE COUNTY, N.Y.
JULY 31, 1994

IT IS HEREBY CERTIFIED THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC.

CERTIFIED TO: MANUFACTURERS AND TRADERS TRUST CO., ITS SUCCESSORS AND/OR ASSIGNS.

FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK
KIMBERLY A. & CHRISTOPHER W. EACHUS

JOB N^o 80:196B

PETER R. HUSTIS, L.L.S.

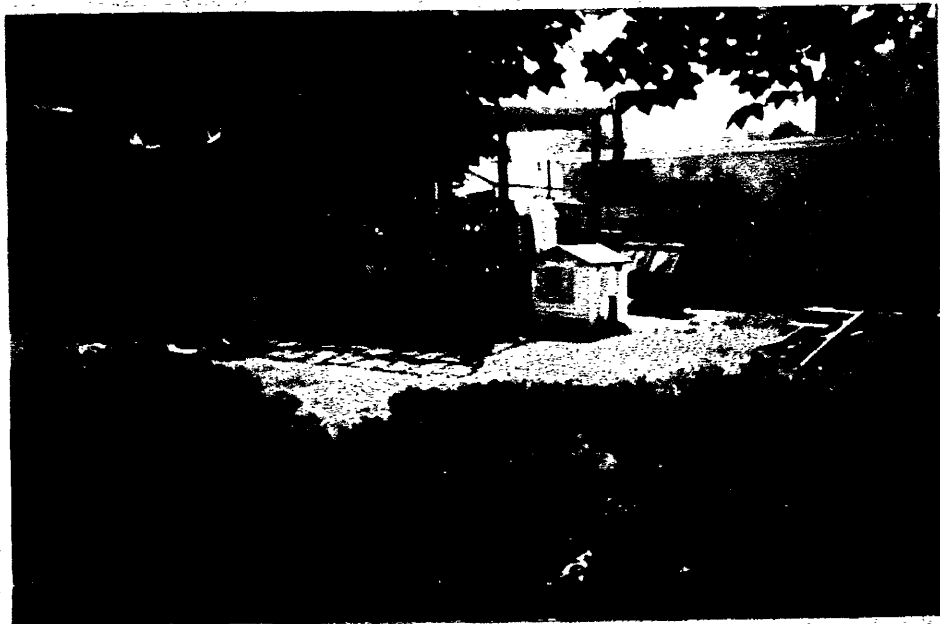
33 HENRY STREET, BEACON, NEW YORK 828 BROADWAY, NEWBURGH, NEW YORK



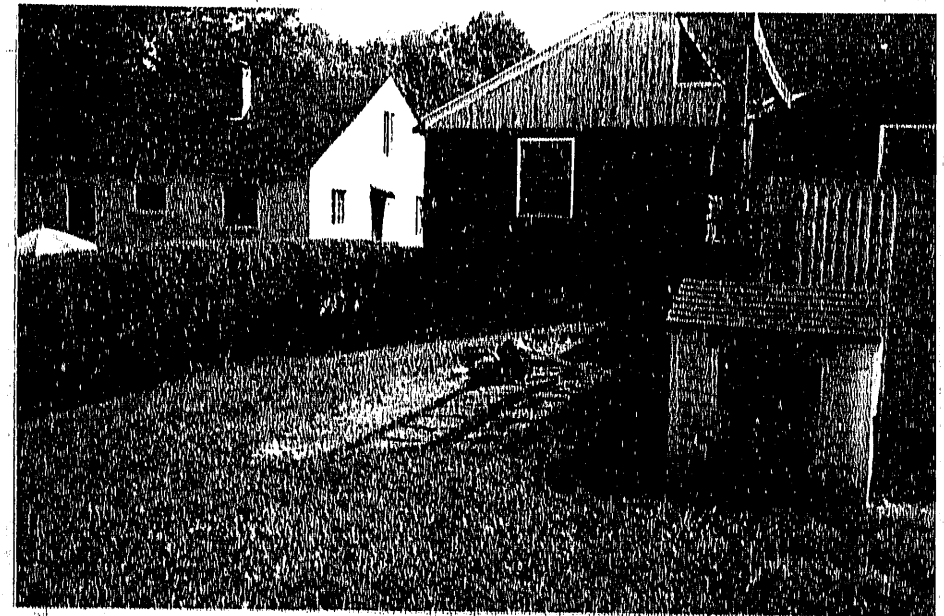
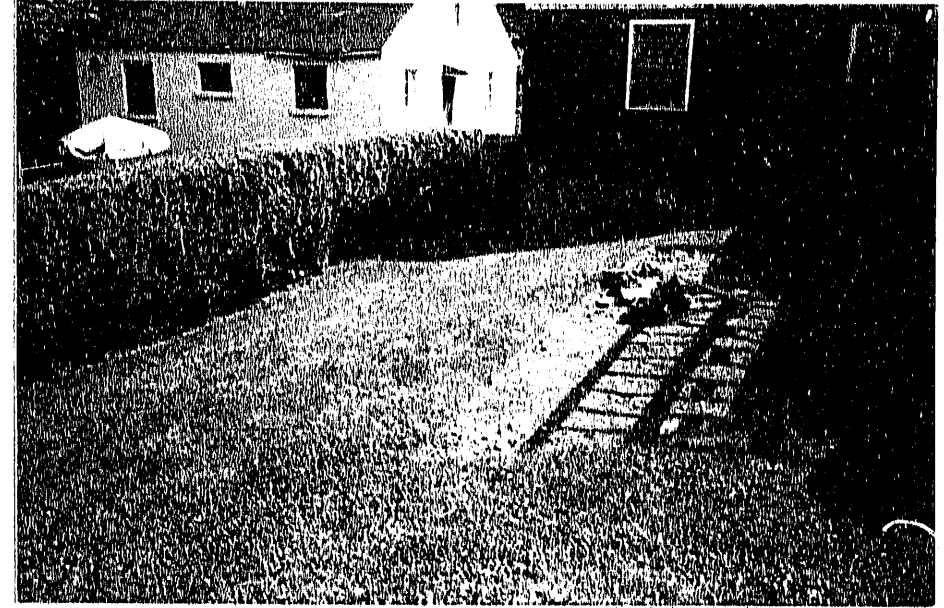
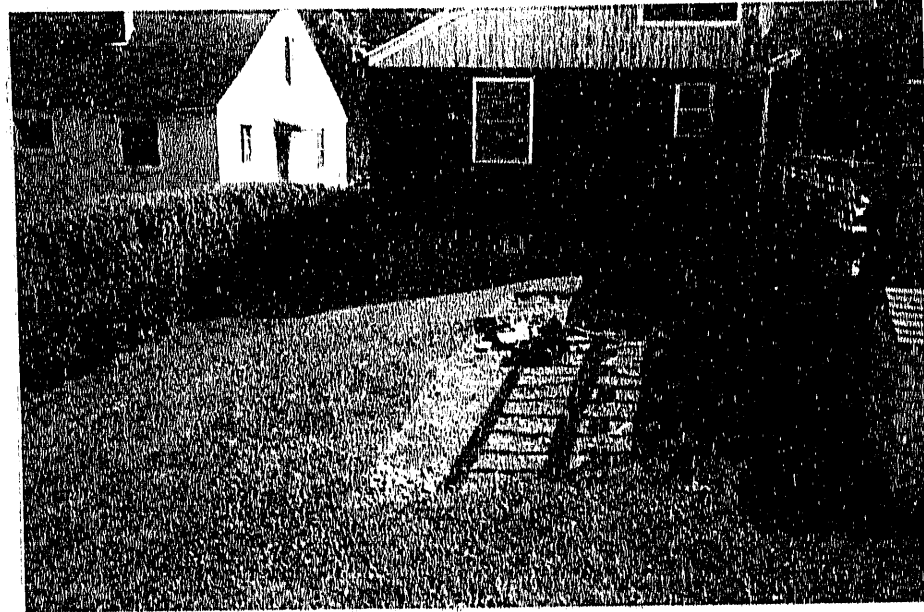
110 Clancy Avenue
Back yard - Proposed Pool Site
Looking Southward



110 Clancy Avenue
Back yard - Proposed Pool Site
Looking Eastward



110 Clancy Avenue
Back yard - Proposed Pool Site
Looking Northward





TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(34)

1763

July 2, 1996

Christopher W. Eachus
110 Clancy Ave.
New Windsor, NY 12553

Re: Tax Map Parcel: 13-15-2

Dear Mr. Eachus:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$55.00, minus your deposit of \$25.00 leaves a balance due of \$30.00.

Sincerely;

LESLIE COOK
Sole Assessor

/cad
Attachment

cc: Patricia A. Barnhart

Maskey, John
86 Walsh Ave.
New Windsor, NY 12553

Burgoa, Jorge
492 Liberty St.
Newburgh, NY 12550

Padavano, Jr. Lawrence J.
c/o Sophie Padavano
Box 321 Quaker St.
Wallkill, NY 12589

Hulse, Walter J.
97 Clancy Ave.
New Windsor, NY 12553

Sherwood, Gregory & Dawn
115 Clancy Ave.
New Windsor, NY 12553

Sunderlin, David L. & Lorraine A.
83 Clancy Ave.
New Windsor, NY 12553

Colandrea, Michael & Elena Marie
5 Sylvia St.
Newburgh, NY 12550

Monaco, Carmen
292 Prospect Hill Rd.
Wallkill, NY 12589

Faricellia, Mary G.
c/o Carmen Monaco
Box 292 Prospect Hill Rd.
Wallkill, NY 12589

Bessette, William E. & Iris Rodriguez Bessette
128 Walsh Rd.
New Windsor, NY 12553

Duda, John L. & Janet
80 Clancy Ave.
New Windsor, NY 12553

Makarewicz, Stanley R. & Dorothea Janet
17 Cherry Ave.
New Windsor, NY 12553

Bonet, Hector M. & Catherine F.
15 Cherry Ave.
New Windsor, NY 12553

Wilsons & Conklins Modern Vending Inc.
5 Koran Ave.
New Windsor, NY 12553

Brock, Larence H. & Roberta J.
106 Clancy Ave.
New Windsor, NY 12553

Pettine, Michael J. Jr. & Wilma
102 Clancy Ave.
New Windsor, NY 12553

Heller, Kenneth H. & Patricia
100 Clancy Ave.
New Windsor, NY 12553

Nieves, William & Catalina
96 Clancy Ave.
New Windsor, NY 12553

Coleman, Jennie & Waite Dolores & Spignardo, John & Frank
82 Clancy Ave.
New Windsor, NY 12553

Smith, Albina J. Bugiada
2 Cherry Ave.
New Windsor, NY 12553

Cavigchio, Leonard & Evelyn
4 Cherry Ave.
New Windsor, NY 12553

Jones, Lawrence & Loretta E.
22 Cherry Ave.
New Windsor, NY 12553

Dell, Donald J. & Lucille J.
28 Cherry Ave.
New Windsor, NY 12553

Cannon, Kevin T. & Lisa M.
32 Cherry Ave.
New Windsor, NY 12553

Radulski, Janet M.
23 Koran Ave.
New Windsor, NY 12553

Cruz, Willibaldo & Hortencia & Narcisco
40 Benkard Ave.
Newburgh, NY 12550

Triangle Pacific Corp.
16803 Dallas Pkwy.
Dallas, TX 75248

Town of New Windsor
555 Union Ave.
New Windsor, NY 12553

Aldrich, Jr. Robert & Jane G. Hudson

PO Box 7039
Newburgh, NY 12550

H. C. Davis Boilerworks, Inc.
3 Susan Dr.
Newburgh, NY 12550

NP Funding II LP
77 Walsh Rd.
New Windsor, NY 12553

Glynn, Arthur G. & Edward J. Lowe
68 Walsh Rd.
New Windsor, NY 12553

Air Products & Chemicals Inc.
P.O. Box 2608
Lehigh Valley, PA 18001-2608

Thompson, Ellen W.
135 Walsh Ave.
New Windsor, NY 12553

Pls. publish immediately. Send bill to Applicant at below address.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 37

Request of Christopher W. Eachus

for a VARIANCE of the Zoning Local Law to permit:

proposed 4 ft. above-ground pool which exceeds the
developmental coverage by 22% ;

being a VARIANCE of Section 48-12. Table of Use/Bulk
Regs. - Col. 1

for property situated as follows:

110 Clancy Avenue, New Windsor, N.Y.

known as tax lot Section 13 Block 15 Lot 2.

SAID HEARING will take place on the 12th day of August,
1996, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P. M.

Vincent Nugent
Chairman

By: Patricia A. Barnhart, Secy.

Prelim.
July 8, 1996.

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: JUNE 26, 1996

APPLICANT: CHRISTOPHER EACHUS
110 CLANCY AVENUE
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: JUNE 25, 1996
FOR (BUILDING PERMIT):

LOCATED AT: 110 CLANCY AVENUE

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 13, BLOCK: 15, LOT: 2
EXISTING ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. PROPOSED 4FT. ABOVE GROUND POOL WILL EXCEED MAXIMUM 30%
DEVELOPMENTAL COVERAGE.

[Signature]
BUILDING INSPECTOR

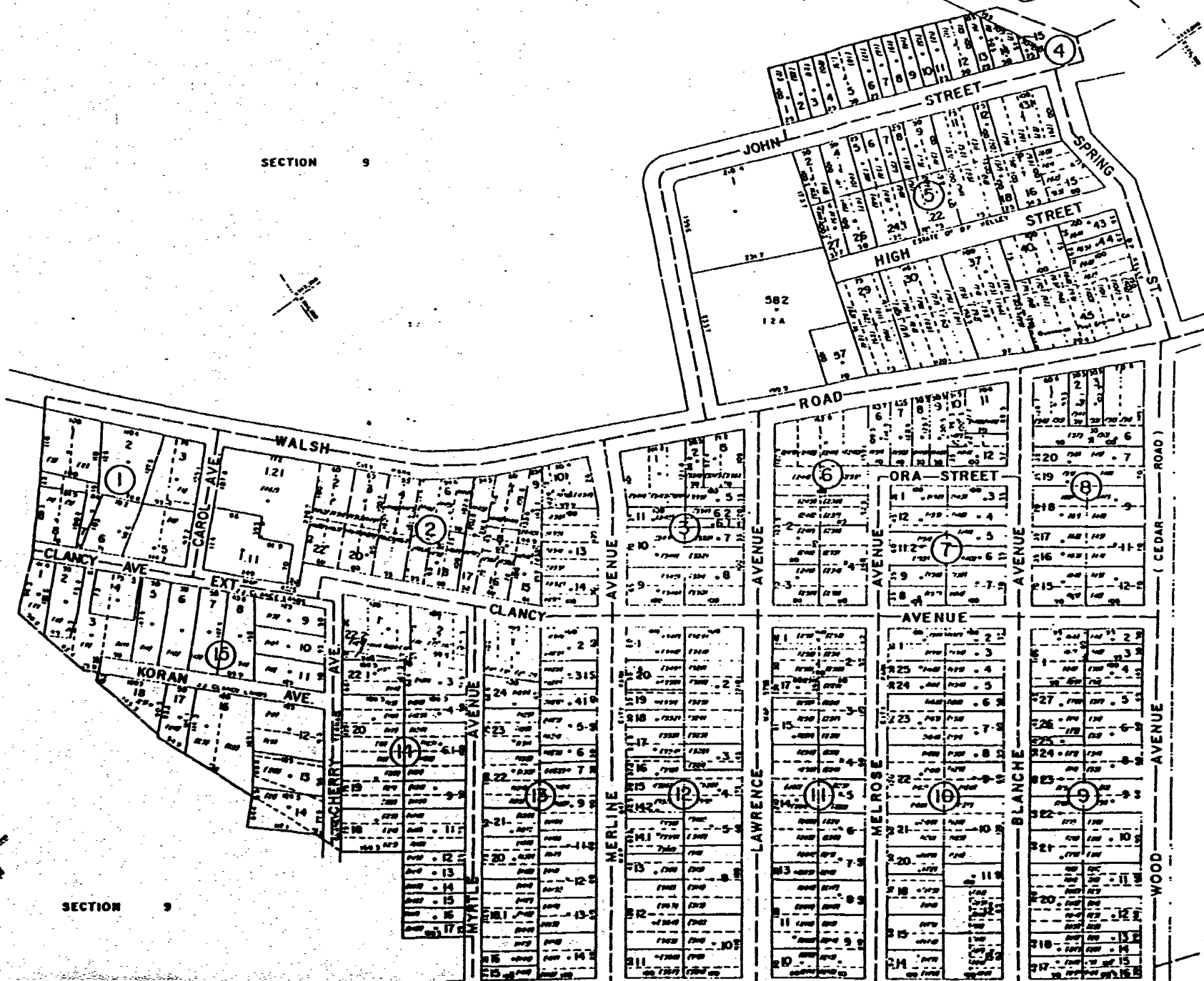
REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-4 USE L-10		
DEV. COVERAGE 30%	52%	22%

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.



SECTION 9



SECTION 9

SECTION

Date 7/28/96, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 147 Sycamore Dr.
New Windsor Ny 12553

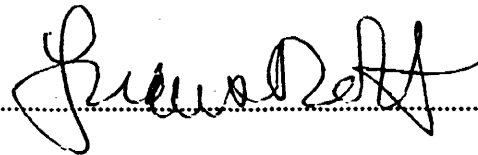
DATE			CLAIMED	ALLOWED
7/6/96	Zoning Board Meeting		75 00	
	Misc - 2			
	Lujan - 13			
	Eachus - 4			
	KWG Realty - 8			
	Vasquez - 8			
	Radich - 5			
	Kartogianer - O.C. Pough - 31			
	<u>71</u>		319 50	
			<u>394 50</u>	

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here



No.
Town of New Windsor

Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day
of, 19

the within claim was audited and allowed
for the sum of

\$

.....
Clerk

EACHUS, CHRISTOPHER

MR. TORLEY: Request for variance for 22% developmental coverage to construct pool at 110 Clancy Avenue in an R-4 zone.

Mr. Christopher Eachus appeared before the board for this proposal.

MR. EACHUS: My name is Christopher EACHUS, I'm the owner of this property at 110 Clancy Avenue. I have purchased, not that I am sure you're all that concerned, an above-ground pool to be placed in the back yard of 110 Clancy Avenue. I made sure that the setbacks were clear and that is why I gave you a map, a survey map of the property and I was totally unaware of what's called developmental coverage as you can see, the placement of this pool in my back yard will exceed the allowable developmental coverage of 30 percent by my calculations, I could have a pool of approximately four feet by eight feet and that would be, which is a little absurd.

MR. TORLEY: Easy to build though.

MR. KANE: And an above-ground pool is part of calculated developmental coverage?

MR. TORLEY: Everything is, the deck, the driveway.

MR. EACHUS: In the pictures which I have given and shown around, I have taken out sod thinking that there wouldn't be a problem with putting the pool in those pictures were taken this morning at about 10:30, I did not think there'd be a problem and I started to take the sod out to lay sand down for the pool and those pictures show that is about a little over half the pool or which has been cleared. The white house, when you take a look at in the northward looking view is next door and I happen to own that also and then in the two other views, which is a southern view and a eastern view, that is a commercial property. The entire back yard has been enclosed with a 6 foot high fence or an eight foot high hedge, so I do not feel that there would be any unsightly views of this particular pool

being built there.

MR. KANE: The other homes in your particular neighborhood, do they have pools?

MR. EACHUS: Yes, the one across the street has a swimming pool.

MR. KANE: There are back yards set up with decks and pools, very similar to what your proposing here or at least within the realms, do they have a deck?

MR. EACHUS: Some have decks with pools, some have just pools and all I'm doing is requesting this variance to place the pool in the back yard.

MR. KANE: To our attorney, if a variance is granted on this, can it be geared towards the above-ground pool without extending that development to any part of a permanent type building?

MR. KRIEGER: I think those are, I think that is a condition that can be put into the, put into the variance to have that and therefore to have it extended to would require basically court action and I don't think such a court action to be successful.

MR. KANE: Just that since it is 22% development but I see it unreasonable to preclude him from having a pool in the yard but I don't want it left open to say now he can--

MR. KRIEGER: Build.

MR. TORLEY: We can make it match to the footprint, if he is going to, I don't think he is going to put a room that is oval shaped.

MR. KRIEGER: There's another problem not only oval shaped but it's not connected to anything else you would not expect it to be connected as a pool but I suspect it would be little use for a freestanding oval room.

MR. EACHUS: That is correct, it will not be connected

to anything.

MR. KANE: As the owner, you wouldn't have a problem with a stipulation that this percentage of development is geared to an above-ground pool?

MR. EACHUS: Not at all, no, sir.

MR. TORLEY: You see why we have that to understand why we have the developmental coverage in the code is to keep people from cramming everything into a space and having no open space, no grass, no greenery, so it preserves the property values around you.

MR. EACHUS: I understand that in my opinion also plenty of grass yet mow month on that piece of property.

MR. TORLEY: Motion?

MR. REIS: You don't intend to expand the deck to tie into the pool?

MR. EACHUS: No, sir, the deck and all other structures were there upon purchase of the property, I do not at this point.

MR. TORLEY: Gentlemen, motion?

MR. KANE: I move we set up Mr. Eachus for his proposed variance at 110 Clancy Avenue for a public hearing.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE

MR. KRIEGER: There are criteria which the state has requires the ZBA to address. They are set forth on this, if you would address yourself to those criteria as you're making application, it would be easier for

July 8, 1996

18

the board. In addition, I would like to see a copy of your deed and title policy at the time of the public hearing. It's not something that I need to keep, I just need to look at it and get back to you so you don't have to make a separate copy, just bring it so I can see it.

MR. EACHUS: Thank you very much.

In the Matter of Application for Variance of

Christopher Eachus,

AFFIDAVIT OF
SERVICE
BY MAIL

96-37.

PATRICIA A. BARNHART, being duly sworn, deposes and says:

On July 9, 1996, I compared the 34 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
9th day of July, 1996.

Deborah A. [Signature]
 Notary
 DEBORAH A.
 Notary Public, State of Oregon
 Qualified in Oregon
 # 4984
 Commission Expires 12/31/2011

(TA DOCDISK [REDACTED] AOS)

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE

96-37.

Date: 7/8/96.

I. ✓ Applicant Information:

- (a) Eachus, Christopher W. & Kimberly A., 110 Clancy Avenue, New Windsor, NY 12553 (914) 561-8622
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

☐ Use Variance

☐ Sign Variance

☐ Area Variance

☐ Interpretation

III. ✓ Property Information:

- (a) R-4 110 Clancy Ave. New Windsor 13-15-2 55'-126'
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? _____
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 9/19/94
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? Yes
If so, when? 1-12-95 *94-46
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: No

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____

^{N/A}
(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12 Table of 4/3K / Bulk Regs., Col. L.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* <u>30</u> %	<u>52</u> %	<u>22</u> %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

✓ whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

Describe why you believe the ZBA should grant your application for an area variance:

The variance requested is for an above ground swimming pool located in a completely enclosed (6' high fence + hedge) backyard posing no unsightly views to neighbors or otherwise.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A.

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____

(b) N/A Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) N/A What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Completely Enclosed yard by 6' fence (stockade style)

and 8' hedges.

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 310.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: _____

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

x Christopher W. Jackson
(Applicant)

Sworn to before me this

8th day of July, 1996.

Patricia A. Barnhart

XI. ZBA Action:

(a) Public Hearing date: _____

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1997.

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)